IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MATTHEW THOMPSON,

Plaintiff,

v. CASE NO. 4:14-cv-465-RH-GRJ

B. SMITH, et al.,

Defendants.
_____/

O R D E R

This cause is before the Court on ECF No. 76, Plaintiff's "Objections and Subpoena Request." Plaintiff continues to take issue with the Court's denial of his requests for discovery, witness subpoenas, and appointment of counsel. He seeks to renew all of his prior requests. The Court therefore construes his motion as a motion for reconsideration.

A motion for reconsideration is "an extraordinary remedy" and is only used sparingly. *Pensacola Firefighters' Relief Pension Fund Bd. of Trustees v. Merrill Lynch Pierce Fenner & Smith, Inc.*, 265 F.R.D. 589, 591 (N.D. Fla. 2010). A motion for reconsideration is not an appeal, and thus it is improper on a motion for reconsideration to "ask the Court to rethink what it ha[s] already thought through—rightly or wrongly." *Above the Belt, Inc. v. Mel Bohannan Roofing, Inc.,* 99 F.R.D. 99, 101 (E.D. Va. 1983),

quoted in Weitz Co. v. Transp. Ins. Co., No. 08-23183, 2009 WL 1636125, at *1 (S.D. Fla. June 11, 2009). Reconsideration under Rule 59(e) "is not a vehicle for rehashing arguments already rejected by the court or for refuting the court's prior decision. *Wendy's Int'l v. Nu-Cape Constr., Inc.,* 169 F.R.D. 680, 686 (M.D. Ga. 1996). Although Rule 59(e) does not set forth the grounds for relief, district courts in this circuit have identified three situations that merit reconsideration of an order: (1) an intervening change in controlling law; (2) the availability of new evidence; and (3) the need to correct clear error or prevent manifest injustice. *Sussman v. Salem, Saxon & Nielsen, P.A.,* 153 F.R.D. 689, 694 (M.D. Fla. 1994).

The Court finds no reason to reconsider its previous orders denying these requests because none of these situations are present here. As the Court previously advised Plaintiff, a plaintiff in a civil case has no constitutional right to counsel, nor does the Court have authority pursuant to 28 U.S.C. § 1915 to require an attorney to represent an indigent litigant. *See Mallard v. The United States District Court for the S.D. Iowa*, 490 U.S. 296, 301–02 (1989). Only exceptional circumstances warrant appointment of counsel, such as where the legal issues are so novel or complex as to require the assistance of a trained practitioner. *Bass v. Perrin*, 170 F.3d 1320 (11th Cir. 1999); *Fowler v. Jones*, 899 F.2d 1088 (11th Cir. 1990).

There are currently no exceptional circumstances, however, to merit the appointment of counsel in this case. Despite the fact that Mr. Bickner and Mr. Kverne recently filed notices of appearance on behalf of Defendants, that has no bearing on whether there are exceptional circumstances to warrant the appointment of counsel on Plaintiff's behalf.

Furthermore, despite Plaintiff's clear assertion that he still seeks Defendants' mental health records and disciplinary reports, discovery in this case closed on April 28, 2017. (ECF No. 56.) Nonetheless, the Court previously denied these discovery requests because Plaintiff failed to comply with N.D. Fla. Loc. R. 261(D) pertaining to discovery motions. (ECF No. 65.) Nothing has changed with respect to the instant motion.

Finally, to the extent Plaintiff seeks to subpoena witnesses for trial, as the Court previously informed Plaintiff, this request is premature because this case has not yet proceeded past the dispositive motion stage.

Accordingly, upon due consideration, it is **ORDERED**:

Plaintiff's "Objections and Subpoena Request," ECF No. 76, is **DENIED**.

DONE AND ORDERED this 12th day of June 2017.

s/Gary R. Jones
GARY R. JONES
United States Magistrate Judge